

164 Day Street  
Brooklyn, CT 06234

March 29, 2014

Members, Joint Committee On Judiciary  
c/o Ms. Pooja Shaw  
Legislative Office Building  
Room 2500  
Harford, CT 06106

Dear Senators and Representatives:

I am the Deputy Chief Clerk for the Judicial District of Litchfield. One of my duties is managing assignments of Guardians Ad Litem (GALS) to contested family cases. I write this letter as a private citizen, not as a state employee.

I am fearful that recent news reports portraying GALS as greedy and biased will produce legislation that may force them to retire from the practice. I find such news reports false.

GALS are crucial to resolving contested family cases. They confirm or disprove factual claims made by parents. They provide context to the claims that they are able confirm. They work tirelessly—talking to parents, teachers, coaches and therapists—to paint accurate pictures of existing family environments and to forecast how children would fare under various orders. And, most importantly, they always put the children's interests first.

With few exceptions, parents overstate the fault of the opposing parties, while understating their own shortcomings. They present contradictory evidence and, too often, unintentionally place their personal needs before the needs of their children. Knowing the importance of custody and visitation orders and knowing the competitive nature of litigation, Courts must consider the assessments of unbiased GALS before issuing their rulings.

The GALS working in Litchfield are honest attorneys and decent human beings. They volunteer their time to serve as special masters, helping people resolve their cases by agreement. They accept low pay GAL assignments. They accept no pay GAL assignments. They accept state-rate GAL assignments.

One recent case involved a Connecticut father who refused to return his child to a Florida mother following visitation in Connecticut. The mother filed suit in Florida; the father filed suit in Connecticut. The facts were murky. The Connecticut and Florida judges conducted a telephonic hearing to determine which state had jurisdiction. The two judges decided that a Connecticut GAL should investigate whether or not the child had lived in Torrington long enough to confer jurisdiction on Connecticut. A GAL was appointed who, after an investigation that included reviewing airplane tickets, determined that the child had not lived in Torrington a sufficient amount of time. A further hearing was conducted, which resulted in dismissal of the Connecticut case and the return of the child to Florida in accordance with Florida orders. The GAL sought no pay.

Another case involved a New York mother seeking visitation with her Connecticut son. The Litchfield Court had awarded custody to the father after the mother failed to appear for her divorce hearing. The son was a good student and actively engaged in Connecticut activities. The mother relied on trains, buses and taxicabs to visit Connecticut. The mother and father disliked each other and didn't speak English very well. The Court appointed a GAL who, after several meetings with the parents and an interpreter, helped the court issue a visitation order that provided some structure to the broken family. The GAL sought no pay.

Yet another case involved a wealthy (lottery winnings) elderly wife who appeared in Court for a divorce. At the hearing, the wife provided vague testimony and said that her husband, who was dying in nursing home, didn't want anything from her. The wife was pro se; the husband was non-appearing. Concerned, the Court appointed a GAL to investigate. The GAL confirmed that the husband was indeed dying and wanted nothing. The GAL also learned that the wife was housing three generations of relatives in her cramped, but livable,

house. The GAL concluded that the wife was truthful to the Court and exercising her free will in pursuing the divorce. The Court entered a divorce order. The GAL sought no pay.

I support reasonable regulation of GALS. Requiring Courts to issue clear statements of work, including specific beginning and ending dates, makes good sense. Also, requiring Courts to conduct periodic fee reviews will eliminate unpleasant surprises at the conclusion of protracted litigation. Such reviews may produce settlements by reminding parents that money devoted to litigation means less money available for their children's college education.

Thank you for considering my views.

Sincerely,

A handwritten signature in dark ink that reads "Mark Shea". The letters are cursive and fluid, with the first name "Mark" and last name "Shea" clearly distinguishable.

Mark Shea